Remarks

This Application has been carefully reviewed in light of the Office Action mailed April 1, 2003. Claims 1-7, 10-12, 15-20, and 48 are currently pending. Applicants appreciate the Examiner's allowance of Claims 2, 5-7, 10-12, 16-20, and 48. Applicants have cancelled Claims 21-47. Although Applicants believe all pending claims are allowable without amendment, to expedite issuance of the Application, Applicants have made clarifying amendments to Claims 1, 3, and 4. None of these changes is considered necessary for patentability. Applicants respectfully request reconsideration and allowance of all pending claims.

The Examiner states, without reference to Claim 15, "Claim(s) 2, 5-7, 10-12, 16-20, 48 is/are allowed," and further, "Claims 2, 5-7, 10-12, 16-20, 48 are allowable." However, the Examiner provides "a statement of reasons for the indication of allowable subject matter" that includes Claim 15. Applicants respectfully request clarification that Claim 15 is allowed.

Claims 1 and 3-4 are Allowable over *Ata*

The Examiner rejects Claims 1 and 3-4 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,311,144 to Abu El Ata ("*Ata*"). Applicants respectfully disagree. *Ata* merely discloses performance metrics for a model of a proposed information system for use in a single organization and measurements being taken at different nodes in a real network of the single organization to calibrate the model of the proposed information system. (Column 3, Lines 39-40; Column 13, Lines 60-67; Column 17, Line 50, through Column 18, Lines 4; Column 19, Lines 43-52).

More specifically, *Ata* discloses an information design system for designing an information system for a use in an organization. (Column 3, Lines 39-40) The information design system disclosed in *Ata* includes input, a processor, an input module, a construction module, an initial model, additional models, a performance metrics module, an output module, and output. (Column 3, Lines 46-51) The input module receives input from an input device, a network, or a storage device. (Column 3, Lines 64-65) The input includes descriptive data that describes the data, transactions, processes, and architecture for a

proposed information system to be used in an organization. (Column 4, Lines 1-3) The input module passes on data to the construction module, and the data is processed by the construction module. (Column 4, Lines 53-55) The initial model is a quantitative model of the proposed information system created by the construction module based on the descriptive input. (Column 4, Lines 55-58) The construction module may also construct additional models of the proposed information system. (Column 4, Lines 58-60) The construction model then passes on the initial model and additional models to the performance metrics modules for further processing and then to the output module. (Column 4, Lines 60-63) The output module provides output to an output device, a network, or a storage device. (Column 4, Lines 64-65) The output module provides the output to a display device for the designer of the information design system. (Column 4, Lines 65-68)

Ata also discloses that the initial model is based on an initial selection of hardware and software components that implement the descriptive data. (Column 5, Lines 14-19) The construction module then constructs additional models of the information system as a basis for comparison with the initial model. (Column 5, Lines 19-21) The additional models are created based on additional input provided by the designer of the information design system. (Column 5, Lines 22-24) The performance metrics module calculates performance metrics for the initial model and each of the additional models that have been created. (Column 5, Lines 25-27) The output module then provides the output on a computer display screen, and a designer using the information design system compares the displayed output for the different models. (Column 5, Lines 33-36) The designer determines whether enough models have been displayed so that the designer can make a selection of a preferred model. (Column 5, Lines 37-39) The designer may also decide to change the initial descriptive input provided to this system to determine what effect this will have on the resulting models. (Column 5, Lines 54-56) The construction module and scenario module use models of hardware components and software components contained in a component library to construct the initial model as well as additional models. (Column 6, Lines 9-13)

Ata also discloses that the construction module can estimate the relevant quantitative data, such as the amount of CPU processing time for a deposit account transaction, such as 90 seconds of CPU time used by the deposit account application subcomponent. (Column 7,

Lines 9-13) The construction module may also determine that the deposit account application uses an interest calculation subcomponent that consumes 30 seconds of CPU consumption for calculating interest for one customer transaction. (Column 7, Lines 13-16) From this information, the construction module may determine that a deposit account transaction will require a total CPU consumption of 120 seconds CPU time and 15 I/O accesses. (Column 7, Lines 16-20) According to *Ata*, quantitative values could be either measured in an existing system, substituted from an estimation source, or provided by the model library. (Column 9, Lines 56-58) Estimates of the characteristics of the proposed information system design are done by an estimation process that also determines hardware and software components to be used in the initial model based on component models selected from the component library. (Column 10, Lines 5-10). According to *Ata*, after the construction module constructs the initial model and additional models, the performance metrics module constructs performance metrics for each model. (Column 13, Lines 61-64) *Ata* also discloses that the sets of metrics are provided globally (the information system as the business support) as well as on the component level (logical and physical). (Column 13, Lines 65-67)

Ata also discloses the information design system being used to redesign or re-engineer an existing information system. (Column 17, Lines 50-52) Measurements of the characteristics of the real system are done by a measurement process that measures actual characteristics and performance of the real system. (Column 17, Lines 59-62) The vendor, who is collecting the data, monitors and collects the operational data for the real system using a specification form in which a precise definition of observation window, data parameters, operational and physical characteristics, configuration, and topology are specified. (Column 17, Line 66 – Column 18, Line 4) The collected data is introduced into the modeling tool, and a transformer supervises the modeling process until the models are constructed and validated. (Column 18, Lines 5-8) The initial model is then calibrated against the measurements of the real system. (Column 18, Lines 23-24) Additional models are then constructed in an assessment and prediction process and evaluated based on their performance. (Column 18, Lines 59-61) This process may lead to changes in characteristics and assumptions of the real system, including proposing new or changed hardware or

software components based on component models from the component library. (Column 18, Lines 61-65)

Ata further discloses that the descriptive input required for the diagnostic or re-engineering process is similar to the descriptive input required for designing a new information system. (Column 19, Lines 9-12) For the network of the real system, the input should identify the parameters of the network components, such as the capacities of the network interface boards (KBPS), the capacities of leased lines (KBPS), and the characteristics of the routers (such as number of packets per second priorities, and compression). (Column 19, Lines 23-28) According to *Ata*, network measurements should describe the following attributes from source to destination in a time-window interval, for each software application traffic flow: total number of transmitted bytes, total number of messages, total number of terminals, total number of logged-in users, total number of active users, and message frequency and size per business function. (Column 19, Lines 43-49) The measurement should be done at different nodes of the network in order to verify that the measurements are consistent. (Column 19, Lines 50-52)

In contrast, independent Claim 1 of the present application, as amended, recites a computer-implemented process operable, when executing on a computer system, to:

- manage ***a distributed workflow involving a plurality of physically separated enterprises*** to perform a set of predefined functions that collectively perform the distributed workflow:
- store the set of predefined functions for the distributed workflow involving the plurality of physically separated enterprises that are to be performed at a plurality of distributed nodes, ***each of the distributed nodes being associated with a corresponding one of the plurality of physically separated enterprises***;
- manage the distributed workflow involving the plurality of physically separated enterprises by automatically interacting with the distributed workflow involving the plurality of physically separated enterprises ***at each of the distributed nodes associated with the plurality of physically separated enterprises*** to perform the predefined functions;
- ***communicate a first one or more of the predefined functions to a first one of the distributed nodes associated with a corresponding first one of the plurality of physically separated enterprises***;
- in connection with performance of the first one or more predefined functions at the first one of the distributed nodes, ***interact with the first one of the distributed***

nodes associated with the corresponding first one of the plurality of physically separated enterprises;

- ***communicate a second one or more of the predefined functions to a second one of the distributed nodes associated with a corresponding second one of the plurality of physically separated enterprises***; and
- in connection with performance of the second one or more predefined functions at the second one of the distributed nodes, ***interact with the second one of the distributed nodes associated with the corresponding second one of the plurality of physically separated enterprises***;
- where ***the second one or more predefined functions performed at the second one of the distributed nodes uses as input a result of the performance of the first one or more predefined functions at the first one of the distributed nodes***.

Ata fails to disclose, teach, or suggest the limitations recited in independent Claim 1, whether *Ata* is considered alone or in combination with any other cited reference or with knowledge that was generally available to one of ordinary skill in the art at the time of the invention.

As discussed above, *Ata* merely discloses performance metrics for a model of a proposed information system for use in a single organization and measurements being taken at different nodes in a real network of the single organization to calibrate the model of the proposed information system. Even assuming, for the sake of argument, that taking measurements at different network nodes to calibrate a model of a proposed information system could be considered managing or performing a distributed workflow, *Ata* would still not disclose, teach, or suggest that the different network nodes are associated with different enterprises or that a result of a measurement at a first node is used as input for a measurement at a second node.

For at least these reasons, independent Claim 1 is patentably distinct from *Ata*, whether *Ata* is considered alone or in combination with any other cited reference or with knowledge that was generally available to those skilled in the art at the time of the invention. Accordingly, Applicants respectfully request allowance of independent Claim 1.

Dependent Claims 3-4 depend on independent Claim 1, which Applicants have shown to be allowable, and are allowable for at least this reason. Accordingly, Applicants also respectfully request allowance of dependent Claims 3-4.

Comments on Statement of Reasons for Allowance

Applicants appreciate the Examiner's allowance of Claims 2, 5-7, 10-12, 16-20, and 48. Pursuant to 37 C.F.R. § 1.104(e), Applicants respectfully issue a statement commenting on the Examiner's reasons for allowance. Applicants respectfully disagree with the Examiner's reasons for allowance to the extent that they are inconsistent with applicable case law, statutes, and regulations. Furthermore, Applicants do not admit to any characterization or limitation of the claims, particularly any that are inconsistent with the language of the claims considered in their entirety and including all of their constituent limitations, or to any characterization of a reference by the Examiner.

Conclusion

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner believes that a telephone conference would advance prosecution of this Application, the Examiner is invited to call Christopher W. Kennerly, attorney for Applicants, at 214.953.6812.

Although Applicants believe no fee is due, the Commissioner is hereby authorized to charge any fees and credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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